

REMARKS

In response to the non-final office action of February 26, 2009, applicants ask that all claims be allowed in view of the following remarks. Claims 1-22 are currently pending with claim 1 being independent. Claims 2-7 have been amended to eliminate the ellipses in those claims. Claim 8 has been amended to correct a typographical error. No new matter has been introduced.

Claims 1-15 and 19-22 were rejected as being unpatentable over United States Patent No. 5,812,769 ("Graber") in view of United States Patent No. 5,794, 210 ("Goldhaber").

Reconsideration and withdrawal of this rejection is requested for at least the following reasons.

*Selecting an Advertisement*

As to claim 1, the office action acknowledged that Graber alone fails to disclose "selecting, in response to said advertisement request, an advertisement based upon stored information about said user node." Particularly, Graber fails to disclose any selection of an advertisement in response to an advertisement request and based on information about a user node. Instead, Graber discloses a system for re-directing a user from a first web location to another (Graber, abstract). The system of Graber includes a co-marketer's web site that includes an advertisement that directs the user to an online service provider's web site (Graber, col. 5). Graber is silent regarding any selection of the advertisement provided on the co-marketer's web site, and the online service provider's web site is not selected based on information about the user node. Thus, Graber fails to disclose "selecting, in response to said advertisement request, an advertisement based upon stored information about said user node."

The action relies on Goldhaber as disclosing this feature. However, Goldhaber does not disclose selecting an advertisement in response to an advertisement request and based on information about a user node. In particular, the action cited col. 14, lines 17-40 of Goldhaber as disclosing "selecting, in response to said advertisement request, an advertisement based upon stored information about said user node." However, the cited portion of Goldhaber merely describes use of a consumer interest profile to have a server route an advertisement to a

consumer based on a comparison of the interest profile of the consumer with demographic information provided by an advertiser. Thus, Goldhaber fails to disclose selecting an advertisement in response to an ad request that "is based upon a link sent from an affiliate node," as recited by claim 1.

Because Gruber, Goldhaber, and any proper combination thereof fail to disclose selecting an advertisement based upon stored information about said user node in response to an advertisement request based on a link sent from an affiliate node, the action fails to establish a *prima facie* case of obviousness, and the rejection of claim 1 and its dependent claims 2-22 should be withdrawn.

*Gruber and Goldhaber Cannot be Combined*

As discussed above, Gruber discloses a system for re-directing a user to a web site of an online service provider via a clickable advertisement located on a co-marketeer's web site. Goldhaber, however, discloses a system in which third party content providers, such as the co-marketeers of Gruber's system, are removed from the advertisement distribution system (Goldhaber, abstract, col. 5, and col. 12, for example). Thus, Gruber and Goldhaber disclose different and mutually exclusive systems of advertising, and, therefore, there would have been no reason to combine elements of the different systems. Accordingly, for this additional reason, the rejection of claims 1-22 should be withdrawn.

*Satisfaction Index*

As to claim 10, Gruber and Goldhaber, alone or in combination, fail to disclose that "if selection criteria associated with more than one advertisement are satisfied based upon said stored information, then calculating a satisfaction index for each advertisement, and selecting the advertisement with the lowest satisfaction index." With respect to this feature, the action acknowledged that Gruber fails to disclose "calculating a satisfaction index and selecting the advertisement with the lowest satisfaction index," but relies on Goldhaber as disclosing this feature, citing Goldhaber's Fig. 11a and reference number 182. However, the cited portion of Goldhaber merely discloses that an index of advertisements is maintained and is used to identify

matches between consumers' interest profiles and indexed demographic information corresponding to the advertisements (Goldhaber, col. 16). Goldhaber does not disclose a "satisfaction index," or selecting an advertisement based on a value of the satisfaction index associated with advertisements. Thus, for at least this additional reason, the rejection of claim 10 and its dependent claims 11-14 should be withdrawn.

#### CONCLUSION

Reconsideration and withdrawal of the rejection of claims 1-22 is requested for at least the foregoing reasons. Applicants believe that each of claims 1-22 is in condition for allowance, and allowance of all claims is requested. If, however, there are any questions or comments regarding this paper, please contact applicants' undersigned attorney.

No fees are believed to be due in connection with filing this paper. However, please apply any necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

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